Seen by C

G.F.M.

1925

Department of Excise

OFFICE Of The Commr

STATION Chicpanki

R. No. 1961 Abkr

Dated 15-9-25

	Date	Initial
Given for copying	M — 15/9	
Copied	15/9	
Examined		
Signed	15/9	
Given for despatch		
Despatched		
Indexed		
To be destroyed on		

To whom sent

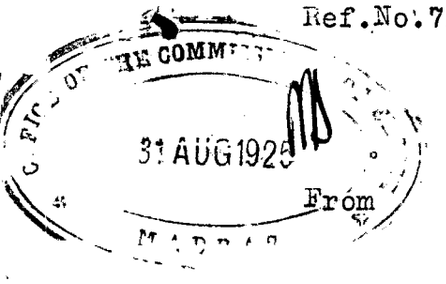
Pages in the file

DESPATCHED 15 SEP 1925

(SUBJECT.)

Venni Nair (M.C.) S. I. Nadakudi range creating disturbance in a Police station... enquiry by the Collector and A.C.

* Not to be filled in the case of permanent records.



Ref.No.7130-25-A4.

South Kanara Collector's Office,
Camp: Feringpet, 26th Aug. 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Commissioner of Excise,
Madras.

Sir,

Abkari - Sub Inspector - M.C.Unni Nair - Departmental ---- enquiry against - Instructions - requested.

Reference:- Calendar and judgment in C.C.No. 132/25 on the file of the Stationary Sub Magistrate, Karkal.

I have the honour to enclose a copy of the judgment of the Stationary Sub Magistrate, Karkal in C.C.No. 132/1925 on his file- wherein he has acquitted a certain Thomas Santhi of Puttige of --- offences under Sections 58 and 55(g) of Act I of 1886. The ----- judgment discloses that a false case was concocted against the --- accused by the Excise Sub Inspector Mr. M.C. Unni Nair and that the Sub Inspector was himself drunk and created a disturbance at the -- Mudubidri Police Station where the Police Sub Inspector Mr. B. ---- Narayana Rao had him placed in the lockup. The Sub Divisional --- Magistrate, Coondapoor has sent me the calendar of the case ------ observing that a departmental enquiry is necessary. The decision in any such enquiry involves to some extent a decision on the ---- relative value of the accounts of the affair given by the members of the Excise and Police Departments. Were the charges against a Police Officer the Police orders would provide for a joint enquiry by a Magistrate and the District Superintendent of Police but I -- am not aware of any similar provision for dealing with cases of -- the present kind. The affair, as set forth in the judgment, is a scandalous one and I certainly think that a departmental enquiry is necessary and that in the nature of the case it would be more ---- satisfactory that the enquiring officer should belong to a third - Department, the Revenue Department. I therefore suggest that the necessary authority be given either to the Revenue Divisional ---

Officer, Coondapoor or myself if you think it necessary, to summon witnesses, enquire into the matter and report the -- findings to you.

I have the honour to be,

Sir,

Your most obedient servant,

For Collector.

29/8/25

T.M.D./P.28.8.25.

CALENDAR AND JUDGMENT. 3

District of South Kanara.

Calendar of cases tried by the Stry. II Class Magistrate of Karkal Taluk.

Offence.	Date of Report or complaint.	Apprehension of accused.	Commencement of trial.	Close of trial.	Sentence or order.	Explanation of delay and remarks.
	21-6-25.	3-7-25.	15-7-25.	15-7-25.	11-8-25.	13-8-25.

Judgment in Calendar Case No. 132 of 1925 on the file of the Stry. II Class Magistrate of Karkul Taluk.

Complainant:- King-Emperor (Abkari Charge Sheet in C.R.107/25 of Udipi Circle).

Name of accused.	Age.	Father's name.
Thomas Santhi.	39.	Mingel.

Caste or religion.	Calling.	Residence.	Taluk.
R. C. Christian.	Cultivation.	Puttige.	Karkul.

Offence:- Illicit possession of I.D.Arrack and a set of distilling implements - Sections 58 and 55(g) of Act I of 1886.

Finding: Not guilty.

Judgment: Accused acquitted under Section 245 C.P.C.

Signed/ G. Dattatriya Rao,

II Class Magistrate.

J U D G M E N T.

The Excise Inspector, Udipi Circle, has charged the accused -- with offences under Section 58 and 55(g) of the Madras Abkari Act I of 1886, for illicit possession at Puttige, at 3 P.M. on 21-6-1925, of 3½ drams of I.D. jack fruit arrack and a set of distilling implements.

2. The accused denied the offences and in a written statement --- alleged that P.W. 1, the Abkari Sub Inspector, Mudubidri, who ------- detected the case, hearing tales carried to him by his enemies, went to accused's house on the day of occurrence in the company of others, fully drunk and committed various offences there and just as a ---- counter to the complaint which accused was going to file, concocted this case.

3. The prosecution version as sworn to by P.Ws. 1 to 3 is ----- briefly as follows:- On the day in question P.W. 1 and 4 peons --- started from Mudubidri at about 9 A.M. on patrol duty. After ---- visiting other villages P.Ws. 1 and 3 and another peon reached near accused's house at about 3 P.M., the other two peons having already returned to Mudabidri. There they saw accused taking out 2 bottles from a hay-stack in his yard. P.W. 1 went and seized the bottles -- (M.Os 1 and 1(a)) in accused's hand and found them to contain 2 dr. -- and 1½ dr. of illicitly distilled jack fruit arrack. Under the ---- hay-stack were found a mud pot containing jack fruit wash, a mud --- perforator, a copper boiler and a copper condenser (M.Os. 2 to 5) --- all smelling I.D. arrack and bearing marks of illicit distillation. Accused said that he prepared the arrack for medicinal purposes. --- P.W. 1 prepared a P.6 in respect of these seizures. Accused, however, refused to fix his thumb mark to it and about 30 Roman ------ Catholic Christians assembled there and took up a threatening ----- attitude. P.W. 1 got alarmed and sent a letter to the Sub Registrar of Mudubidri to go to the scene and save him from the attacks of --- these people. Meanwhile, P.Ws. 1 and 3 pacified the assembled ---- people and they, with the accused and contraband articles, went up to the road at Sampige in Puttige village, where the acting Sub Registrar P.W. 2, who came in response to P.W.1's requisition, met them. ---- P.W. 2 also pacified the accused and the persons with him and ----

accused affixed his thumb marks to the P.6 in triplicate --- viz., Ex. A, B & E. P.W. 2 initialled Ex. A only (Ex.A2) -- but not the other 2 foils. P.W. 1 also asked accused, who was under arrest, to execute a bailbond with sureties, but he said that he would do so only at Mudubidri. P.Ws. 1 and 3, with accused and the contraband articles, returned to Mudubidri in a cart and P.W. 2 returned by his cycle. P.W. 1 sent the -- contraband articles to the Mudubidri Police Station, in charge of two peons. But the police refused to take charge of them -- and sent away the accused. The peon went and told P.W. 1 that the Head Constable in charge of the station refused to take --- charge of the articles on the ground that the P.6 was written in English, which he could not read. P.W. 1 then went to the station and was translating the P.6 to the Head Constable, when the Station House Officer, D.W. 15, came there. D.W. 15 --- insulted P.W. 1 saying that he was drunk and disorderly and had him taken to the lockup inspite of his remonstrances. P.W. 1 asked D.W. 15 to show him any record about his arrest and then they left him. P.W. 1 returned to his house and his peons --- brought back the P.6 and contraband articles. The next day --- the P.6 with the contraband articles were taken to Karkal Police Station where they were received for safe custody.

4. P.W. 4, the Excise Inspector of Udipi Circle, enquired into the case on 4-7-1925. Ex. C is the statement recorded by him --- from accused. The accused denied the offence but refused to --- answer further questions unless a local inspection were held by the Inspector. P.W. 4, however, admits that accused filed before him Ex. II as soon as he returned to Headquarters on 24-6-1925. Ex. II contains the present defence version and also the prayer that P.W.4 might be pleased to enquire into the matter and grant sanction to the accused to prosecute P.W. 1 and others for the offences ----- committed by them. P.W4 says he never enquired into this petition as it is no business of his to enquire into criminal cases and --- that he charged this case on the report of the Sub Inspector ~~(Ex.Wx1)~~ (Ex. D), the statements recorded by him and his examination of the

contents of the two bottles M.Os. 1 and 1(a). M.Os. 2 to 5 were -- not sent to P.W. 4 and he swears that from the state in which he saw them while being examined in Court, he cannot say if any of them had been used for illicit distillation. P.W. 4 also swears that he smelt and tasted the contents or M.Os. 1 and 1(a) and from this examination --- came to the conclusion that they contained alcohol, although he admits that without a thorough chemical examination it is not possible to -- say definitely whether a liquor contains alcohol. P.W. 4 also says - that there are no bad remarks inthe conduct sheet and service register of P.W. 1.

5. Sixteen witnesses have been examined to prove the defence --- version. D.W.6, the Agent of the General Motor Service at Mudubidri, D.W. 8, the Agent of the Hanuman Motor Company at Mudabidri, D.W.15, the StationHouse Officer of Mudubidri and D.W. 11, a motor driver --- all swear that the party that left Mudubidri at 9 or 9.30 A.M. that morning consisted of P.W. 1, his Muhammadan peon, the Forestor, ---- Guard and P.W. 2 and not of P.W. 1 and his four peons as sworn to by P.Ws. 1 and 3. D.Ws. 1 to 5, 9, 10, 12 and 13 all belong to Puttige and swear that P.Ws. 1 and 2 and a Muhammadan Excise peon, Forester -- and guard went to Puttige that day with three guns. They met D.W.3 on the way and asked why there were no wild doves in the "maidan" -- there and D.W. 3 replied that it was because of heavy rain. The -- party then went to the vacant new shop of D.W. 1, which had been ---- arranged for them by Gangaya, the arrack shop renter of Puttige. An Abkari case was then under investigation against a son of D.W. 4 and another. Gangaya therefore sent word to D.W. 4 to get two fowls. -- These were dressed, 1½ bottles of arrack was got by D.W. 13 from ---- Gangaya's arrack shop and the party made themselves merry. At about 3 P.M. they went to accused's house. Accused was not in the house then, -- but had gone with D.W. 12's cart to get seedlings. Accused's wife D.W. 10, was sitting on the door step. P.W. 1 pulled her by the -- hand and beat her son with his cane. D.W. 10 and her children------ cried out. Meanwhile, P.W. 1 and his companions went in and ------- brought out the household utensils and threw them down, thereby ---- breaking some mud pots and some plates. D.Ws. 7 and 9, two -------

neighbours, of whom D.W. 7 is a brother of accused, were attracted to accused's house, by the cries of D.W. 10 and her children. D. W. 10 then went and fetched her husband, the accused, who said -- that he would see if his land-lord or the "sircar" would not call them to account for their high-handed actions. Infuriated at -- these words P.W. 1 gave him a blow on the head. The party then went to D.W. 9's house with accused. The Guard and Excise peon returned to accused's house, selected some vessels which fitted to each other and took them away and also a country drum, 2 mud pots with salted jack fruit, 2 bottles with holy water, etc. From - D.W. 9's house, the party went with accused and the articles -- to D.W. 1's vacant shop where they were halting. Another arrack bottle was brought and P.W. 1 drank most of it. A cart was then brought and the party returned to Mudubidri. M.O. 2 was the -- earthen drum. On the way P.W. 1 tore off its leather and threw it down and accused's brother Jacob, who was following the cart, picked up the pieces (M.O.6). M.Os. 7 and 8 are two similar drums covered with leather. M.O. 2 has pieces of leather tied to its - brim even now and is exactly like M.Os. 7 and 8. The bottles --- with holy water were not M.Os. 1 and 1(a), but were two white ---- bottles. The party went to P.W. 1's lodgings. Accused's brother Jacob and D.W. 11 offered to stand surety for accused. But P.W. 1, who was fully intoxicated, asked them in a threatening voice to -- get away. Then P.W. 1 and some of his peons went with the bottles vessels, and the accused to the Mudubidri Police Station and ---- created a disturbance there. This is spoken to by D.Ws. 7 and 8 and the Police Officers on duty, D.Ws. 15 and 16 and is supported by the General Diary of the Station, Ex. IV and IV(a), written at once and sent to the Police Circle Inspector, the next morning. P.W. 1 was in a very drunken state, was talking in all languages, going to beat accused, throwing up things and thumping on the --- bench. D.Ws. 15 and 16 refused to receive the articles as no P6_ had been prepared. The disturbance became so great that D.W.15 had to order P.W. 1 to be taken to the lock up, but as the peons promised to take care of him, he let him go. The two bottles -- that had been taken to the station were not sealed. D.Ws. 15 and

the articles in the haystack were evidently hidden from view and -- could not have been recovered without a search. No witnesses were called to be present at the search and no reasons were recorded by P.W. 1 for effecting a search without a warrant.

8. This leads to the next point whether 25 or 30 persons really assembled at accused's place and threatened a riot. After carefully going through the evidence, I have come to the conclusion that this story is an after-thought and a pure myth. As already pointed out by me it is not mentioned even in Ex. D and is mentioned only -- in P.W. 1's diary sent 8 or 9 days later. It is argued that Ex.D is only a brief statement of facts and not a full account of all-- that took place. But it mentions even about the refusal of the -- police at Mudubidri to receive the articles and about telegrams sent to the Excise Inspector, Assistant Commissioner and District Superintendent of Police. It also mentions about accused's arrest. -- If a riot had been threatened then and if the services of P.W. 2 -- were requisitioned to quell it, this fact should have been mentioned in it. P.W. 2 is a clerk of the District Registrar's Office, -- who was acting as Sub Registrar in a short vacancy and had no ----- Magisterial powers. If there was an unlawful assembly, P.W. 1 --- shoukd have reported the matter to the police and sought their ---- assistance. A vague explanation for this omission is attempted and P.W. 2 swears that P.W. 1 told him that there was ill-feeling ----- between the Police and the Abkari Officers at Mudubidri. But P.W.1 does not speak of any such ill-feeling and D.W. 15 flatly denies it. Even P.W. 4 swears that there has been no report to him of any such ill-feeling and that an Abkari case was recently detected on ------ information given by a Police Head Constable. I therefore disbelieve the existence of the alleged ill-feeling. As regards the threatened riot, the evidence of P.Ws. 1 to 3 is thoroughly unconvincing. The witnesses admit that the mob never assaulted anybody never used any threatening langugage and never made any signs to -- cause alarm to P.W. 1. After they assembled, P.W. 1 did not ---- consider it indiscreet to send away one out of the two peons with him to fetch an acting Sub Registrar who could not help him in any way and remain there with only one peon. On the other hand, even

before P.W. 2 came the mob did not prevent P.W.1 from moving to the road with the accused and the seizures. P.W. 2 admits in cross-examination that P.W. 1 also gave a slap to accused, who far from assuming a threatening attitude even under this provocation meekly submitted to it. In the face of all these ----- admissions I find it hard to believe that there was a threatening crowd at all or that P.W. 2 was requisitioned to exercise Magisterial powers which he never possessed.

9. There is overwhelming evidence that on the day in question P.W. 1 and his peons did not go on patrol duty, but P.Ws. 1, 2, a forester, a guard and an Abkari peon, not examined in this case, went for a shooting and picnic party. That accounts for P.W.2's presence on the scene. P.W. 2's initials (Ex. A2) in Ex. A must have been made subsequently. If P.W. 2 initialled Ex. A then -- and there, he should have initialled also the other two foils of the P.6. I consider that it was because he initialled Ex. A later, -- when Ex. B and E were in the Excise Inspector's Office and Karkul Police Station respectively, that he could not initial them.

10. For a proper decision of this case it is not necessary for me to decide whether P.W. 1 was drunk on that day and whether he went to Mudubidri station in a drunken state. But the writing of P.W. 1 in Ex. A, B and E, the three foils of P.6, varies completely. Ex. A is in a steady hand, but the writing in Ex. B and E is most ----- unsteady and is full of blots, corrections, interpolations and ---- smudges. The defence suggests that Ex. A was written after, but Ex. B and E were written before, P.W. 1 sobered down. The explanation of P.W. 1 is that he wrote Ex. A before the people assembled, but wrote Ex. B and E after they came and when he was in peril even of his life. I find it hard to accept this explanation especially in view of my finding that there was no crowd at all. D.Ws. 15 and 16 swear that no P.6 had been prepared even when P.W. 1 went to the station.

11. P.W. 2 had to admit that as soon as he went to the scene -- accused represented to him that it was a false case, that the ---- bottles contained only holy water and the mud pots contained ----

salted jack fruit. Accused has struck to this version all along. M.Os. 2 to 5 had no smell and no marks of distillation when produced in this Court. Only P.Ws. 1 and 3 speak to such smell and marks when they were seized. P.W. 2 says that they had sour smell but as he said that some salted jack fruit shown to him during cross-examination had sour smell, his idea of sour smell does not seem to be that of fermented matter. The contents of M.Os. 2 and 3 have been unfortunately destroyed. The prosecution urges that P.W. 1 never asked D.W. 14 to destroy them. But P.W. 1 never --- kept a sample of their contents and in his P.6 report never asked the Police to preserve it. I have therefore to accept the ---- evidence of D.W. 14, supported as it is by the General Diary ---- written at once, that he destroyed it at the suggestion of P.W. 1. P.W. 4 admits that if P.W. 1 made any such suggestion his conduct is to be looked upon with suspicion. P.W. 4 was for 19 years in the Board's Laboratory and so his presence in the box was availed of by the defence for finding out what M.O. 3 last contained. An ounce of fresh well-water was put into M.O. 3 and its inside well rinsed with it. The washing thus obtained, showed the --- presence of salt, thus showing that M.O. 3 last contained, not a fermented jelly as alleged by the prosecution, but a salted ----- substance as contended by the accused. The prosecution suggests that the Police of Karkul must be in league with the Mudabidri -- Police and might have put some salt water into the pot when it was in deposit at the station. This argument seems to me to be --- preposterous and to be only an attempt to sling mud at every --- one whose evidence goes against the prosecution, whether the mud sticks up or not.

12. I have to mention another circumstance. On 2-7-1925, i.e. 2 days before the Inspector enquired into the case, P.W. 1 went to Mr. K. S. Bhat at Karkal with a letter of introduction from -- Kadandale Deju Shetty, a District Board Member. This letter --- does not give P.W. 1's official designation but describes him as belonging to a respectable Nair family of Malabar, related to Sir Sankaran Nair. Mr. Bhat, however, did not see him and it is ---- urged that he did so because he suspected that P.W. 1 sought the

interview in order to ask him to influence his tenant, the accused, to admit the offence before the Inspector. P.W.1 says he went to consult Mr. Bhat in his professional capacity in connection with the transfer of a petty suit from the Mudubidri Panchayat Court to - the District Munsiff's Court at Karkul. It is hard to be-lieve -- that for such a purpose P.W. 1 should have considered it necessary to take letter of introduction from a District Board Member.

13. In view of all these circumstances, I hold that the prosecution has not proved its case at all. The prosecution version --- shows signs of development at every stage and was finally completed only when P.W. 1 sent his diary for the week 8 or 9 days later. -- There is absolutely no evidence that the Mudubidri Police were -- hostile to P.W. 1 or his department and so the evidence of D.Ws. 15 and 16 has to be accepted as disinterested. Thereis overwhelming -- disinterested evidence in support of the defence version. I ----- therefore hold that accused has not been proved to be liable for possession of I.D. arrack or distilling implements and so acquit him under Section 245 C.P.C. M.Os. 1 and 1(a) are confiscated. - M.Os. 2 to 8 will be returned to accused to whom they belong.

13-8-1925. Sd/- G. Dattatriya Rao,
Stationary II Class Magistrate.

Appendix.

Witnesses for the prosecution:-

1. Mr. M.C.Unni Nair (Excise Sub Inspector).
2. Mr.N.T.Babu Rao (Clerk Dt. Registrar's Office).
3. Appoji (Excise peon).
4. Mr. P. Ganesha Rao (Excise Circle Inspector.)

Defence.

1. Govinda Shanbhogue.
2. Vasudeva Prabhu.
3. Huvaya Pujary.
4. Parameshwara Naika.
5. Rukkaya Pujari.
6. Kogganna Poi.
7. Alex Santhis.
8. Venkatesha Bhatta.
9. Chinga Pujari.
10. Piad Cunha.
11. Appu Colaco.
12. Putta Naika.

14

13. Ladru Santhis.

14. Ramaya (Police Head Constable).

15. Mr. B. Narayana Rao (S.I. of Police).

16. Jaira (Police Head Constable).

Exhibits for the prosecution.

A. 21-6-25. Counterfoil of P.6 from P.W.1's P.6 book.

A1. Thumb impression of accused in Ex. A.

A2. Initials of P.W. 2 in Ex. A.

B. 21-6-25. P.6 with acknowledgment of D.W. 14 for the seizures.

B1. Acknowledgment of D.W. 14 in Ex. B given at Karkul Station.

C. 4-7-25. Statement of accused before the Excise Inspector.

D. 22-6-25. Occurrence report submitted by P.W. 1 to P.W. 4.

E. 21-6-25. P.6 filed at Karkul Station.

Exhibits for the defence.

I. 2-7-25. Letter written by Kadandale Deju Shetty to Mr. K.S.Bhat, Vakil & Land-lord of accused.

I(a) Cover in which Ex. I was enclosed.

II. 22-6-25. Petition of accused to the Excise Circle Inspector.

III. 23-6-25. Certified copy of complaint filed by D.W. 13 against accused and others.

IV. 21-6-25. Entries in General Diary of Mudubidri Station from 7.30 P.M. to 9 P.M. made by D.W. 15.

IV(a) do Entry in General Diary of Mudabidri Station made at --- 9.30 P.M. by D.W. 16.

Material Objects.

1. A glass bottle said to contain 2 dr. of I.D.Jack fruit juice.

1(a). Do 1½ dr. do.

2. Mud perforator. 3. Mud pot. 4. Copper pot.

5. Copper vessel. 6. Two pieces of leather covering of M.O. 2.

7. and 8. Two country drums, i.e. mud pots open at bpth ends with a -- leather covering at one end.

23th August 1925.

Sd/ G. Dattatriya Rao,
Stry. Sub Magistrate.

/True Copy/

29-8-25

For District Magistrate.

T.M.D./29.8.25.

29/8/25

15 15

C.F. 16—5,84,259—17-12-21.5(6)

OFFICE NOTE.

SUBJECT Kerosene Raid (Cr. No.) - SI Madabushi Rangaswamy creating disturbance in Police Station - departmental enquiry.

From

The Coll. of S. Kanara

Register No. 8104 94.

Phon on the letter from the Coll. of S. Kanara on Pt 1-2 Cs and the Regd Instrument on Pt 4-13 Cs. The Instrument relates to a case of possession of 3½ Drums of OD Jackfruit arrack and a set of distilling implements, detected by the SI Sri M.C. Umesh Nayak of Madabushi Range. The prosecution story was that the accused was seen taking out 2 bottles of OD Jackfruit arrack from a haystack in his yard. The accused showed a threatening attitude and a crowd collected with a view to obstruct the SI in his duties. The SI had to send for the Subinspector, but before this officer turned up, the SI managed

(1k)

AC
S
C

5 Cs

OD

OD-

S.I. III grade - Service - 11 years age - 33 "

to pacify the crowd. The accused and the articles seized were taken to the Nakaseke Police Station. The Police however refused to take charge of the articles and the accused. On the 5th December, he was arrested by the Station Commander and taken to the lockup, but soon after released. The articles were sent by the IO to the Kalkal Station the next day. The defence version was that on the day in question the SO came to the accused's home, beat his wife and child and took away certain pots containing only water salt and jackfruit etc. The Police officers deposed that when the SO appeared at the station he was in a drunken condition and was talking in all languages, going to beat the accused, throwing up things and thumping on the bench". They refused to receive the articles as the PC was written and when the S.O became very disorderly, they had ~~ordered~~ had to take him to the lockup but released him as the Jeans promised to take care of him. 16 witnesses were examined for the defence. The main grounds are .—

p 9 CA 1) There is no direct evidence to show that there was alcohol in Prod 1 & 1(a) Further, the article was sold to and there had only one clear day in there was therefore ample time to meet the with this contend that MO3 had some better

p 11 CA 2) article There was no threatening crowd at all

p 10 CA 3) There was no previous appealing between the Police and the African boy

On this ground the boy's refused the offence person and acquitted the accused In this connection it is submitted that PW2 the then Registrar who was called in by the PO to pacify the crowd, admitted in cross-examination that the PO gave a slap to accused and it would appear from the evidence as a whole that the one against the accused was a fair one and that the PO was dealt in a rather emotional as the Time In any case a disciplinary enquiry does away

p 13 CA In recommending a disciplinary enquiry into the conduct of the PO, the Court pointed out that the decision on any such enquiry would be done without a decision on the validity of the accused's arrest given by the Police and

abrain staff and hence he suggests an enquiry by an officer of the Records Dept. There appears to be no orders governing such a procedure. Ref is solicited to paras 366 (2) and 393 Sals Manual Vol II from which it will be evident that only an enquiry by a superior officer of the department in which the officer concerned serves, is contemplated. The only points on which there are charges against a Police officer, the Police orders lower provide for a joint enquiry by the A Supt and DSP. The authority for this is duly known for orders. The Coll^r offers to enquire into the case himself, if necessary.

2h 8/9/25 The judgment was very black against the SI. but that is only one side of the case. We must know what the other side has got to say. I submit that the record may be forwarded to Mr Beadnell in a name cover after early reports for orders. It is further not definitely known if the pers's file any complaint against the SI. or not. The relations between the Excise people & other depts in S. Kanara seem very strained

Ask the Coll^r to enquire with the A.C into the S.I.'s conduct & report to the Govt. Dy

SM 9/9 vs

SM 9-9 vs So far as the Ab Kari case is concerned the acquittal seems to have been inevitable.

With regard to the S.I's conduct - It appears he was drunk and for this he was locked up. It is not known whether any complaint has been made against him by the Police or by the Ab Kari accused. The A.C may be asked to enquire into the S.I's conduct if necessary.

HG 10.9.25

with enquiries under

Para 773 SM Vol II MS 9/9/25.

C.F. 16—2,46,515—28-8-24. (6)

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

Office.

Register No. 8704 9/25 dated

From

The Colr of S. Kanara

Letter Rg No 9130 - 25 - A4 26.8.25

Subject:

Nominations (M.C) - S.) Moodabidri Range - creating disturbances in a Police Station - enquiry by the Colr & Re

To

THE

From our Govt Note

Pers

The Colr is requested to enquire ~~from the Govt Cook~~ Dr Stet ~~to be left Cook~~ into the Conduct of the S.) nos M.C nominations dated and report the result to the Govt

Pers S

The dated letter must be perused Govt Secl enquiries stated. It is

Do Secl see MS 1579/25

The Colr of S. Kanara

Copy of the letter

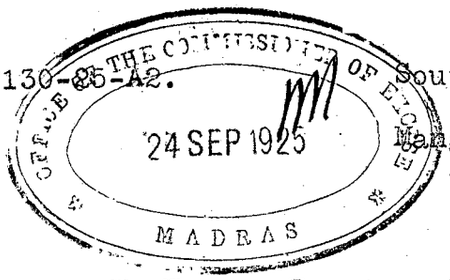
12/9/25 Stl 15.9.25 MS 1579/28

RD 16.9.25

DESPATCH 15 SEP 1925

20

R.O.C.7130-25-A2. South Kanara Collector's Office,



Mangalore, 22nd September 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,

8749 ABKARI Collector of South Kanara.

To.

The Commissioner of Excise,

Madras.

Sir,

Unni Nair (M.C.) Mr. - Sub Inspector, Moodabidri range --- creating disturbance in a Police Station - joint enquiry by the - Collector and Assistant Commissioner.

Proceedings of the Commissioner of Excise R.No. 1961 Abk. 1925, dated 15th September 1925.

In the enquiry the Excise Sub Inspector's defence will --- probably be directed to showing that the Sub Inspector of Police was in the wrong. I have been directed to hold the enquiry ---- jointly with the Assistant Commissioner. The District Superintendent of Police wishes to be present at the enquiry at which the -- conduct of his subordinate is likely to be questioned. May I --- suggest that either he be added as an Enquiring Officer, or that the holding of the enquiry be entrusted to me alone? The latter course is preferable and is not a new proposal as I represented in my letter of 26th August last that enquiry by an Officer of a ---- department other than those immediately interested would be ------ desirable. I presume from the Heading of your Proceedings No. 1961, Abk. of 25, dated 15-9-1925 that the enquiry is to be confined to the disturbance at the Police Station.

Your obedient servant,

For Collector.

T.M.D./P.22.9.25.

below
CR 87499/95

Nairobi (Cap. C) S.P. Mombasa Langa - creating disturbance at the Police Station - enquiry

Plean see the letter from the Coly of Skaura. In Cs Pros 1961 9/95 the Coly was asked to enquire jointly with the DC into the Coroner of the SO Dec Nairobi. It is now reported that the DSP also wishes to be present at this enquiry as the conduct of his subordinate is likely to be questioned. As the DC is to be one of the enquiry officers there seems to be no objection to including the DSP also as such. While the Coly thinks that it is preferable that the enquiry may be conducted by himself alone. For order

The Coly also enquires whether the enquiry may be confined to the alleged disturbance at the Police Station. Plean see the note on p15-16(R). Besides the alleged disturbance, it would appear from the judgment that the conduct by the SO was a factor one. But an enquiry on this point will involve the examination of the various entire witness who appeared in Court. This was not done by the magistrate. For order whether the Coly may be issued

orders to Enquire touching the alleged disturbance at the Police Station

The orders are to enquire into the conduct of the S.I. which covers the whole case - not only the disturbance at the P.S.

Ok 25/9/25 & 25/9/25

for orders

SIle 25/9/25 MS 25/9/25 The subject of the inquiry is principally the disturbance at the P.S., i.e. the question whether the account of Kts Nos. 7 & 8 & the Police Officers on duty as to the S.I.'s conduct at the Police St. & the occurrences there correct, or whether the S.I.'s version is. There is one objection to the D.S.P. being associated with the inquiry to be made by the Coll., in the same capacity as the A.C. Leave, i.e. as the Collr's assessor. The assessor will form their own views & if they wish, record them, & the Collr will report his own after considering the views of the 2 departmental officers.

Before the Police etc.

The Enquiry Officer is all we have to go on at present, and it indicates that the case against the S.I. is a serious one such as to justify his immediate suspension pending the result of the inquiry. Such disturbances as the inquiry

As the Police Station is the property of the Govt. & many cases are brought & tried there, the Govt. has a right to be represented at the inquiry. The Govt. Pleader should be present to watch the interests of the Govt. & to cross-examine witnesses if necessary. D.S.P.

23

C.F. 16—2,46,515—28-8-24. (6)

DRAFT FOR APPROVAL.

Enclosures. Nil

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

Office.

Register No. 8749/25 dated

From The Collr of S. Kanara
Letter Roc 7130 - 25 - B2 dt 22.9.25

Subject.

Narsimhapur (Near M.C) - S.I Mandya
Range - Disturbance at the Police
To Station - enquiry

THE

Memo (Received Oct)

Memo

The Commr has no objection to the D.S.P being associated with the enquiry to be made by the Collr, in the same capacity as the AE, i.e as the Collr's assessor. The assessors will form their own views and if they wish, record them, and the Collr will report his own, after considering the opinions of the two departmental officers.

2 The subject of the enquiry is primarily the disturbance at the Police

Station in the question whether the account of Dors 7 & 8 and the Police officers entry as to the S.D's Conduct at the Police Station and the occurrences there is correct, & whether the S.D's version is true. ~~It enquiry to be made by the Colr may be enjoined to this point.~~ M.

9th 2/10/25 S.W. 2.10.25 M 2/10/25

80 210 25.

Do

The Collr. of Kanara

DESPATCHED
2-OCT-1925